IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.143 OF 2006

IN

SUMMARY SUIT NO.388 OF 2006

...

Vallabhkumar Dhawalchand Mehta ...Plaintiff

v/s.

Krishna Metal Industries ...Defendant

...

Mr.H.V.Chande for the Plaintiff.

Ms.Jaykar i/b Khaitan & Jaykar for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 5TH SEPTEMBER,2006

P.C.:

Heard the learned counsel for the Plaintiff and the

Defendant. Perused the plaint, affidavit filed in support of the summons for judgment, reply filed by the Defendant and the rejoinder filed by the Plaintiff.

2. The only defence raised by the Defendant is that the Defendant never placed orders with the Plaintiff. The Plaintiff has filed rejoinder. The Plaintiff has placed documents on record which show that the order was in fact placed by the Defendant with the Plaintiff for supply of goods. The Defendant has not produced the letter which is alleged to have been written by the Defendant to the Plaintiff regarding rejection of the goods. The Plaintiff in the rejoinder has stated that he never received the letter. It is apparent, therefore, that the Defendant has no defence to offer. Summons for judgment deserves to be granted. It is accordingly granted. Suit of the plaintiff is decreed in terms of prayer clause of the suit. Refund of court fees as per rules.

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